

THE HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MOBILOC, LLC,

Plaintiff,

v.

NEUTRON HOLDINGS, INC. DBA LIME,

Defendant.

Case No. 2:20-cv-01570-BJR

STIPULATION AND ORDER STAYING
DISCOVERY AND DEADLINES FOR CLAIM
CONSTRUCTION

Defendant Neutron Holdings, Inc. dba Lime (“Neutron”) and Plaintiff Mobiloc, LLC (“Mobiloc”) move the Court to stay discovery and suspend all current case deadlines in this patent infringement case, including claim construction deadlines, and in support thereof state as follows:

1. The parties have timely exchanged their initial infringement, noninfringement and invalidity contentions, and exchanged initial sets of discovery requests pursuant to this Court’s orders.

2. The current deadlines for proposing terms and briefing claim construction are from March 15, 2021 to September 9, 2021.

3. From their exchange of initial contentions, the parties have identified an issue that may be case dispositive, and agree that it would streamline matters in this case to have the Court’s

1 determination of this issue before time consuming and expensive claim construction proceedings
2 and further exchange of discovery.

3 4. In particular, Neutron plans to file a motion for summary judgment asserting that
4 its accused e-bikes do not infringe any claim of Mobiloc's asserted patent because all claims
5 require "a location component inside [a] body component," and the accused Neutron e-bikes do
6 not have a location component "inside" a body component. Mobiloc acknowledges that the
7 location component of the accused Neutron products is not located inside the body component, but
8 asserts that infringement is nonetheless present under the Doctrine of Equivalents.

9 5. The parties agree that the Court may determine this disputed infringement and
10 Doctrine of Equivalents issue without interpretation of any disputed claim terms in the asserted
11 patent.

12 6. The parties also agree that the discovery and contentions exchanged thus far are
13 more than likely sufficient for the parties to brief this disputed issue and for the Court to decide
14 this issue. However, in an abundance of caution because it has not yet seen Neutron's motion for
15 summary judgment, Mobiloc reserves the right to request limited discovery pursuant to Fed. R.
16 Civ. P. 56(d), or enforcement of previously served discovery not yet produced, in the event any
17 specific facts or evidence are needed to respond to Neutron's motion for summary judgment.

18 ACCORDINGLY, the parties jointly move that that the deadlines for proposing terms and
19 briefing claim construction be adjourned pending resolution of Defendant's Motion for Summary
20 Judgment, and all discovery be stayed until such resolution except as noted in Paragraph 6.

ORDER

THEREFORE, being fully advised, the Court ORDERS that the stipulated motion to stay discovery and claim construction (Dkt. No. 37) is GRANTED. All deadlines for proposing terms and briefing claim construction are STAYED pending resolution of Defendant's Motion for Summary Judgment, and all discovery is STAYED until such resolution except as noted in Paragraph 6.

IT IS SO ORDERED.

DATED this 5th day of March, 2021.



Barbara Jacobs Rothstein
U.S. District Court Judge